

Applicants: Boris Ginzburget al.
Serial Number: 10/608,143

Assignee: Intel Corporation
Attorney Docket: P-5751-US

REMARKS

Applicants have carefully studied the Office Action. This paper is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Status of the Claims

Claims 1-6, 10-18, and 22-41 are pending in the Application. Claims 1, 13, 25, 30, and 36 have been amended. No new matter has been added.

Claim Rejections Under 35 USC §103(a)

The Office Action rejected claims 1, 13, 40, and 41 under 35 USC §103(a) as being unpatentable over Benveniste, U.S. Publication Number 2002/0163933 A1, in view of Bychowsky, U.S. Patent Number 6,856,629, and Kaikuranta, U.S. Patent Number 6,031,825. Applicants respectfully submit that the rejection of claims 1, 13, 40, and 41 under 35 USC §103(a) as being unpatentable over Benveniste in view of Bychowsky and Kaikuranta should be withdrawn.

Each of mended independent claims 1 and 13 recite "the buffer being considered full according to at least one condition selected from the list consisting of: a threshold number of packets stored in the buffer being reached; a threshold size of stored packets being reached; and a threshold aggregated time of transmission for buffered packets being reached." None of Benveniste, Bychowsky, and Kaikuranta recites this feature of independent claims 1 and 13. Therefore none of Benveniste, Bychowsky, and Kaikuranta alone or in combination renders claims 1 and 13 obvious. Applicants respectfully submit that the above-mentioned distinction of independent claims 1 and 13 would not have been obvious at the time the invention was made to a person having ordinary skill in the art, in view of any of the references on record, alone or in combination.

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Each of claims 40 and 41 depends from claims 1 and 13 respectively, and therefore includes at least the limitations of the parent claim. Thus claims 40 and 41 are likewise allowable.

In view of the above, Applicants respectfully submit that the rejection of claims 1, 13, 40 and 41 under 35 USC 103(a) as being unpatentable over Benveniste, Bychowsky, and Kaikuranta be withdrawn.

The Office Action rejected claims 2-6, 10-12, 14-18, and 22-24 under 35 USC §103(a) as being unpatentable over Benveniste in view of Bychowsky and Kaikuranta and further in view of Beach et al, U.S. Publication Number 2004/0072588 A1. Applicants respectfully submit that the rejection of claims 2-6, 10-12, 14-18, and 22-24 as being unpatentable over Benveniste in view of Bychowsky and Kaikuranta and further in view of Beach should be withdrawn.

Each of claims 2-6 and 10-12 depends, directly or indirectly, from claim 1, and each of claims 14-18 and 22-24 depends, directly or indirectly, from claim 13. The additional Beach reference cited by the Examiner does not disclose, *inter alia*, the full buffer conditions limitations mentioned above, and therefore Beach does not cure the deficiencies of Benveniste, Bychowsky or Kaikuranta. Claims 1 and 13 are therefore allowable over Benveniste, Bychowsky, Kaikuranta and Beach, alone or in combination. Therefore, claims 2-6, 10-12, 14-18, and 22-24 are likewise allowable over Benveniste, Bychowsky, Kaikuranta and Beach, alone or in combination.

In view of the above, Applicants respectfully request that the rejection of claims 2-6, 10-12, 14-18, and 22-24 under 35 USC §103(a) as being unpatentable over Benveniste, Bychowsky, Kaikuranta, and Beach be withdrawn.

The Office Action rejected claims 25-39 under 35 USC §103(a) as being unpatentable over Beach in view of Bychowsky and Kaikuranta. Applicants respectfully submit that the rejection of claims 25-39 under 35 USC §103(a) as being unpatentable over Beach in view of Bychowsky and Kaikuranta should be withdrawn.

Each of independent claims 25 and 30 recites substantially the same full buffer condition limitation as claims 1 and 13. As discussed, none of Beach, Bychowsky, and

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Kaikuranta alone or in combination includes these limitations, and thus none of these references renders claims 25 and 30 and their respective dependent claims obvious.

Each of claims 26-29, 31-35 and 37-39 depends, directly or indirectly, from one of claims 25, 30 or 35 includes all the limitations of one of these claims, and is therefore likewise allowable.

In view of the above, Applicants respectfully request that the rejection of claims 25-39 under 35 USC §103(a) as being unpatentable over Beach in view of Bychowsky and Kaikuranta be withdrawn.

Conclusion

In view of the foregoing amendment and remarks, and for at least the reasons discussed above, Applicants respectfully submit that the pending claims are allowable. Their favorable reconsideration and allowance are respectfully requested.

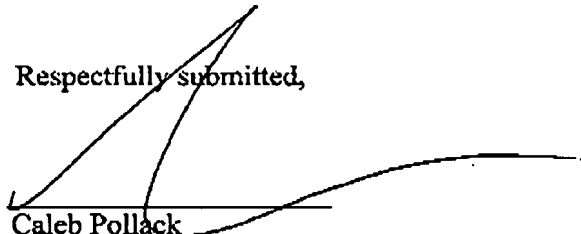
Should the Examiner have any question or comment as to the form, content or entry of this paper, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

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No fees are believed to be due in connection with this paper. However, if any such fees are due, please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,



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